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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,058	06/21/2006	David Grahame Hardie	002.00270	2111
23378	7590	04/21/2010	EXAMINER	
BRADLEY ARANT BOULT CUMMINGS LLP			SWOPE, SHERIDAN	
INTELLECTUAL PROPERTY DEPARTMENT				
1819 FIFTH AVENUE NORTH			ART UNIT	PAPER NUMBER
BIRMINGHAM, AL 35203-2104			1652	
			MAIL DATE	DELIVERY MODE
			04/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10565058	6/21/2006	HARDIE ET AL.	002.00270

EXAMINER

SHERIDAN SWOPE

ART UNIT	PAPER
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1652 20100420

DATE MAILED:

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Commissioner for Patents

Applicants' response of January 27, 2010 is deemed to be non-responsive for the following reasons.

The Election/Restriction requirement of October 27, 2009 stated:

"In response to this communication, Applicants are required only to elect:

For Group II

- Elect one specific LKB1 (SEQ ID NO:) encompassed by Claims 3-5, 16, and 19-20.
- Elect one specific STRAD (SEQ ID NO:), or one specific cell from which one specific endogenous STRAD can be isolated, encompassed by Claims 3-5, 16, and 19-20.
- Elect one specific MO25 (SEQ ID NO:) encompassed by Claims 3-5, 16, and 19-20.
- Elect one specific substrate (SEQ ID NO:) encompassed by Claims 3-5, 16, and 19-20."

Applicants' response of January 27, 2010 stated:

"Applicants provisionally elect with traverse: (1) an LKB1 polypeptide comprising residues 44-343 of SEQ ID NO: 6; (2) a STRAD polypeptide comprising a C-terminal pseudokinase domain, said C-terminal pseudokinase domain comprising the C-terminal sequence Trp-Glu-Phe; (3) an M025 polypeptide comprising SEQ ID NO: 11; and (4) the substrate comprising SEQ ID NO: 110."

Each of (1), (2), (3), and (4) represents election of a genus of proteins, not one specific sequence, as required by the Election/Restriction requirement of October 27, 2009. Therefore, Applicants' response is deemed to be non-responsive.

Regarding Applicants comments that: "The Examiner provided no explanation as to why the claims lack unity of invention; for that matter, the Examiner has not even stated that the claims lack unity of invention", the lack of unity was explained in the action of March 13, 2008. Nonetheless, find attached the current Election/Restriction requirement, including reasons for lack of unity.

Applicants are required to respond to this communication within one (1) month.

/SHERIDAN SWOPE/
Primary Examiner, Art Unit 1652